

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EN MAY MARITIME LLC,

Plaintiff,

- against -

PROIOS S.A.,

Defendant.

Civil Case No. 24-cv-6738

**DECLARATION OF YAAKOV U. ADLER IN SUPPORT OF APPLICATION FOR
RULE B ATTACHMENT AND APPOINTMENT OF SUBSTITUTE PROCESS SERVER**

I, Yaakov U. Adler, declare under penalty of perjury that the following is true and correct:

1. I am a partner in the law firm of Freehill Hogan & Mahar LLP, counsel for Plaintiff, En May Maritime LLC (“En May”).

2. I am familiar with the facts and circumstances underlying this dispute as set forth in the Verified Complaint being filed contemporaneously herewith, and I submit this declaration in support of En May’s application for the issuance and execution of a Writ of Maritime Attachment against Defendant Proios, S.A. (“Proios”) in the above-styled action.

Proios Cannot be “Found” within this District for Rule B Purposes

3. As counsel for En May, I hereby certify to the Court and the Clerk of the Court that the undersigned has made a diligent and reasonable search and inquiry to ascertain the name and address of a person or party within this District upon whom/which process *in personam* can be served which will bind Defendant Proios.

4. In preparing En May’s application for the issuance and execution of a Writ of Maritime Attachment against Proios, I have been unable to find any entity named “Proios S.A.” formed in or registered to do business in the State of New York, either as a business entity or a

DBA. I checked the New York Department of State Corporation and Business Entity Search Database, accessible at <https://dos.ny.gov/corporation-and-business-entity-search-database>, for “Proios, S.A.”, which search returned no results. I then searched the same database for any entry containing the word “Proios”, which returned results for five active entities containing that word, two of which are law firms, and the remaining three of which appear to relate to an insurance agency located in Lake Ronkonkoma, New York. None of the results were related to Defendant Proios. Attached as **Exhibit A** to this Declaration is a printout of the Entity Search Results.

5. I have also conducted a search for Proios using the Yellow Pages telephone directory, accessible at <https://www.yellowpages.com/>, and determined that there are no telephone listings or addresses for Proios within this District.

6. Further, I have conducted a Google search as to whether Proios can be located within this District, and the search results did not provide any information indicating that Proios is located in this District.

7. I am unaware of and my thorough search has not disclosed any general or managing agent(s) within this District for Proios.

8. I have thus been able to determine that Proios has not appointed an agent for service of process within the state of New York and I have found no indication that Proios can be “found” within this District for the purposes of Rule B. I have formed a good faith belief based on my investigation that Proios does not have sufficient contacts or business activities within this District and does not have any offices or agents within this District to defeat maritime attachment under Rule B of the Supplemental Rules for Admiralty and Maritime Claims as set forth in the Federal Rules of Civil Procedure.

Proios has Property in this District for Rule B Purposes

9. Upon information and belief, the Defendant has tangible or intangible property which belong to it or are maintained for its benefit within this District by third party garnishees and which are subject to attachment pursuant to Rule B.

10. Specifically, under the parties' Contract, a copy of which is attached to the Verified Complaint as Exhibit 2, payment of funds due Proios under the Contract was to be made by En May to "Contractors' Bank Account," which was identified as an account at Inter Audi Bank. (*See* Ex. 2 to Verified Complaint, at p. 2, Box 15). The account appears to be held in the name of non-party, Axion Management Ship LLC ("Axion"), which is identified in the Contract as an agent of Proios. (*See* Ex. 2 to Verified Complaint, at p. 1, Box 3).

11. Based on information provided to me by En May, funds have been paid to Proios under the Contract in line with the banking details specified in the Contract. As such, Proios is utilizing Axion as its paying agent in relation to the Contract and may be doing so with respect to other contracts as well.

12. Inter Audi Bank has two locations. A headquarters in New York City located at 19 East 54th Street, New York, NY 10022, and a branch in Miami located at Two Brickell City Centre, 78 SW 7th Street, Suite 1100, Miami, Florida 33130. *See* Printout of Inter Audi's locations from its "Contact Us" page, a copy of which is annexed hereto as **Exhibit B**.

13. As indicated in Exhibit B, the ABA routing number associated with Inter Audi's New York location is 026006237, while the ABA routing number associated with Inter Audi's Miami location is 066015440. We have confirmed, by searching these routing numbers via the ABA routing number lookup tool available online at <https://routingnumber.aba.com/default1.aspx> that the routing number 026006237 (as utilized in the Contract) is indeed associated with

Interaudi's New York address and routing number 066015440 is associated with Interaudi's Miami address. Attached hereto as **Exhibit C** are printouts of the ABA routing search results for both routing numbers, indicating the respective bank branches with which those numbers are associated.

14. While the payment details in the Contract reference Interaudi's Miami address, the ABA routing number given in the payment details, 026006237, matches the ABA routing number associated with Interaudi's New York location, as noted above. This indicates that funds paid to Proios utilizing the payment details in the Contract are destined for an account in this District, as opposed to in Florida.

15. While En May verily believes that funds belonging to Proios are being paid to Proios via its paying agent, Axion, into an account located in New York, given the information in the Contract pointing to both New York and Miami as the location of the account (and thus the location of funds sought to be attached), and in full transparency to the Court, Rule B applications are simultaneously being filed in both the Southern District of New York and the Southern District of Florida in an effort to attach funds belonging to Proios in the subject account to obtain jurisdiction over Proios and as security for En May's claim, whether the account be located in Miami or New York.

Request to Authorize Substitute Service

16. This Declaration is further made in support of En May's application for an order to appoint a special process server to serve by verifiable electronic means the Writ and Order of Attachment and Garnishment, Verified Complaint, and this Declaration on any garnishees within the District that may be in possession of Defendant's property, including Interaudi Bank. The granting of this request will result in a material savings in process and travel expenses.

17. In view of the foregoing, En May respectfully requests that the application for a writ of maritime attachment and garnishment and appointment of a special process server be granted.

Dated: New York, New York
September 5, 2024

/s/ Yaakov U. Adler

Yaakov U. Adler

Exhibit A

Department of State

Division of Corporations

Entity Search Results

A total of 5 entities were found. If the entity name you are searching is not displayed please refine the search.

Search

Name	DOS ID #	Assumed Name ID #	Status	Entity Type	Date of First Filing	County
LAW OFFICES OF GEORGE N. PROIOS, PLLC	3208407		Active	DOMESTIC PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY	05/23/2005	Westchester
LYONS, SKOUFALOS, PROIOS & FLOOD, LLP	2339588		Inactive	DOMESTIC REGISTERED LIMITED LIABILITY PARTNERSHIP	01/27/1999	Blank
PROIOS ENTERPRISES INC.	278197		Active	DOMESTIC BUSINESS CORPORATION	06/16/1969	Suffolk
PROIOS INSURANCE AGENCY, INC.	162593		Active	DOMESTIC BUSINESS CORPORATION	01/02/1957	Suffolk
THE G.A. PROIOS AGENCY, INC.	126120		Active	DOMESTIC BUSINESS CORPORATION	02/01/1960	Suffolk

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[Return to Search](#)

Exhibit B

Interaudi Bank

https://interaudibank.com/contact

BANKING INVESTMENTS ABOUT US CONTACT US LANGUAGE SIGN IN

New York Headquarters

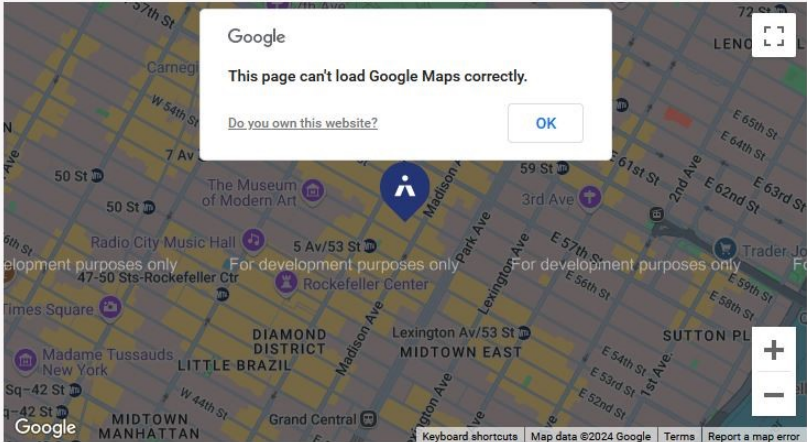
19 East 54th Street
New York, NY 10022
Phone 1 (212) 833-1000
Fax 1 (212) 833-1033
Member F.D.I.C.
[ATM Locator](#)

New York ABA#:

026006237

Interaudi Bank SWIFT Address:

AUSAUS33



Miami Branch

Two Brickell City Centre
78 SW 7th Street,
Suite 1100
Miami, Florida 33130
Phone 1 (305) 373-0200
Fax 1 (305) 373-0670
Member F.D.I.C.
[ATM Locator](#)

Miami ABA#:

066015440

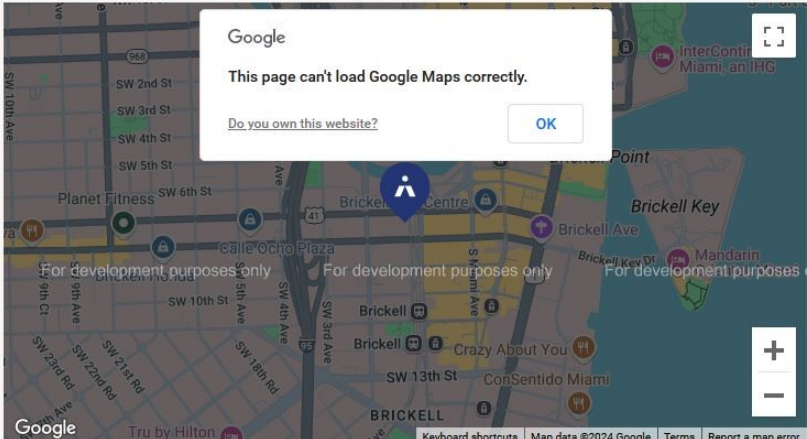


Exhibit C



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Bankers
Association®

ABA Routing Number Lookup

This website allows for single lookups of routing numbers. It is intended for use by individuals who need to look up their financial institution's routing number. Users of this service are allowed no more than two lookups per day and are limited to ten lookups per month. Users who need additional lookups or need a more robust tool for accessing the ABA Routing Number database should [contact LexisNexis Risk Solutions](#), the Official Routing Number registrar.

New financial institutions, mergers/acquisitions, name changes, and closings, result in an ever-changing list of participants in the US payment system. Using a look-up service other than the ABA Routing Number lookup or a LexisNexis Risk Solutions product could result in retrieving inaccurate or outdated information.

If you have any questions concerning this site, please call 1-800-BANKERS (800-226-5377) or e-mail support@aba.com.

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Bank Name	Address	City	State	Zip Code	Routing Number
Interaudi Bank (Head Office)	19 E 54th St	New York	New York	10022	026006237



American Bankers
Association
1333 New Hampshire Ave
NW
Washington, DC 20036

Questions?

E-mail [ABA Customer Support](#)
Call 1-800-BANKERS (800-226-5377)

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Bank Name	Address	City	State	Zip Code	Routing Number
Interaudi Bank (Branch)	78 SW 7th St, Ste 1100	Miami	Florida	33130-3783	066015440



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1333 New Hampshire Ave
NW
Washington, DC 20036

Questions?

E-mail [ABA Customer Support](#)
Call 1-800-BANKERS (800-226-5377)

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